

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

**WILLIAM JEWETT, JR.**  
**Petitioner,**

**V.**

**BERNARD BRADY**  
**Respondent.**

**Civil Action No. 05-11849-GAO**

**RESPONDENT'S MOTION TO DISMISS**

The respondent, Bernard Brady, the Superintendent of the Old Colony Correctional Center, respectfully moves this Court to dismiss the above-captioned petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 on the ground that the petition contains exhausted and unexhausted claims. *See Rose v. Lundy*, 455 U. S. 509, 518-519 (1982). The respondent relies on the accompanying memorandum of law in support of his motion to dismiss.

WHEREFORE, for the foregoing reasons, the respondent requests that this Court dismiss this action in its entirety pursuant to Fed. R. Civ. P. 12(b)(6).

Respectfully submitted,

THOMAS F. REILLY  
Attorney General

Gregory W. Reilly  
Legal Intern  
On the Motion

/s/ Eva M. Badway  
Eva M. Badway  
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Dated: November 10, 2005

**CERTIFICATE OF SERVICE**

I hereby certify that on November 10, 2005, I caused a copy of the above document to be served by first-class mail, postage prepaid, upon William Jewett, Jr., *pro se*, Old Colony Correctional Center, 1 Administration Road, Bridgewater, MA 02324.

/s/ Eva M. Badway  
Eva M. Badway